

ROCCO FUNARI	§	
v.	§	CIVIL ACTION NO. 5:13cv8
JASON SMITH, ET AL.	§	

only for plain error). Even if Funari's response was construed as objections to the Magistrate Judge's Report, such objections lack merit.

The Court has conducted a careful *de novo* review of the pleadings, the Report of the Magistrate Judge, and the Plaintiff's response thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and the Plaintiff's response raises no meritorious grounds. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 50) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's claims against the Defendant Brian Nichols are hereby DISMISSED without prejudice for failure to effect service of process. Fed. R. Civ. P. 4(m). (T is further

ORDERED that the statute of limitations on the Plaintiff's claims against Nichols is hereby SUSPENDED for a period of sixty days following the date of entry of final judgment in the case. Should Funari obtain a current and valid address for Nichols prior to the expiration of the statute of limitations, he may refile these claims in a separate action or seek to reopen the claims against Nichols in the present case.

**It is SO ORDERED.**

**SIGNED this 15th day of August, 2014.**

A handwritten signature in black ink, reading "Michael H. Schneider", is written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE